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Attorneys for Plaintiff
PRIVASYS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PRIVASYS, INC.

Plaintiff,

v.

AMERICAN EXPRESS COMPANY and
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Defendants.

Case No. C-08-01072 SI

**STIPULATED MOTION TO
POSTPONE LITIGATION DATES
AND PROPOSED ORDER**

1 The parties wish to inform the Court that they have arrived at an agreement in principle
2 to settle this case, subject to execution of a final written settlement agreement. Therefore,
3 pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff PrivaSys, Inc. ("Plaintiff") and Defendants
4 American Express Company and American Express Travel Related Services Company, Inc.
5 ("Defendants"), hereby stipulate through their respective counsel of record as follows:

6 WHEREAS a Case Management Conference in this case was held on July 11, 2008;

7 WHEREAS, on July 18, 2008 the parties filed a stipulated request to extend litigation
8 dates, on the ground that the parties were engaged in settlement discussions, and the Court
9 granted the stipulated order on July 22;

10 WHEREAS the parties, having continued settlement discussions, have now reached an
11 agreement in principle to settle this case subject to execution of a final written settlement
12 agreement, and have begun working on preparing the necessary documentation;

13 WHEREAS the litigation dates next approaching under the current case schedule are:
14 August 11, 2008 for Disclosure of Asserted Claims and Preliminary Infringement Contentions
15 by plaintiff and production of documents, and September 25, 2008 to Serve Preliminary
16 Invalidity Contentions by defendants and production of documents; and

17 WHEREAS one previous extension of time has been granted in this case, as described
18 above, and no trial date has yet been set;

NOW THEREFORE the parties through their undersigned counsel hereby stipulate to, and request the Court to order, the continuance of litigation dates by four weeks as set forth in the proposed order attached hereto.

IT IS SO STIPULATED

DATED: August 7, 2008

HOSIE RICE LLP

By: /s/ George F. Bishop
George F. Bishop

Attorneys for Plaintiff PrivaSys, Inc.

DATED: August 7, 2008

KIRKLAND AND ELLIS LLP

By: /s/ Perry Clark
Perry Clark

*Attorneys for Defendant American Express
Company and American Express Travel
Related Services Company, Inc.*

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: August 7, 2008

/s/ George F. Bishop
George F. Bishop

ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that the compliance dates set forth in the Court's Order issued July 22, 2008, are continued to the dates set forth below.

9/8/08	Disclosure of Asserted Claims and Preliminary Infringement Contentions (Pat.L.R. 3-1 &2) by plaintiff and production of documents
10/10/08 @ 2:30 p.m. for further cmc re: settlement	
10/23/08	Serve Preliminary Invalidity Contentions (Pat.L.R. 3-3 &4) by defendant and production of documents
11/3/08	Parties Exchange Proposed Terms & Claim Elements (Pat.L.R. 4-1)
11/24/08	Parties Exchange Preliminary Claim Construction & Extrinsic Evidence (Pat.L.R. 4-2)
12/27/08	File Joint Claim Construction & Prehearing Statement
2/5/09	Completion of Claim Construction Discovery (Pat.L.R. 4-4)
3/6/09	File Opening Brief on Claim Construction (Pat.L.R. 4-5)
4/3/09	File Responsive Brief on Claim Construction (Pat.L.R. 4-5)
4/17/09	Reply Brief on Claim Construction
December 12, 2008 @ 2:30 p.m.	Further Case Management Conference
April 29, 2009 [or date to be set by the Court]	Markman Hearing

SO ORDERED

August ____, 2008



Honorable Susan Illston
United States District Judge